P.789-97.

G. R. S. IX-5]

Previous references. 1895-96 192. (Land Rev.)

File No. 146-95

Serial Nos. 1-14

Later references.

P.71

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1 — 14

Part B for January February 1902

Complaint of Ramjundeen Kaliceran, Syce of certain bullocks in the Bolpur District, regarding the Execution of Earth Work in the Nannoorally Minor Canal —

Judge
26/

No 65
L.R. 146 of 95

Dated the 2nd October 1873

With a view to the better conservancy of tanks, and other irrigation and water supply works in the Province of Mysore, the Chief Commr directs the promulgation of the following Rules, which are to have effect from the 1st of Novr 1873, and be applicable from that date to all tanks and other works as above mentioned that may, on or after that date, be formally handed over to the rajahs for upkeep

By order
(Sd) W.R. Johnson
Under Secy to the
Chief Commr of
Mysore
P.W.D.

Rules for the maintenance of tanks

Rule 1 — The enforcement of the rules for tank maintenance is entrusted to the Patel of the village to which the tank or tanks are attached, and they are to be assisted in this duty by the Nadoli Neergar.

Rule 2 — The individuals to be held responsible for the maintenance and upkeep of the tanks are the Pattedars, Shikmidars Shaundars and others holding lands attached to the village, either dry or wet. Inhabitants of the village and all others deriving any benefit whatever from the tanks, either directly or indirectly.

Rule 3 — The proportion of work to be done by each of the above interested individuals will be decided by the Patel & Chelkar, according to the amount paid by each to Govt. for lands houses, or other property for attached to the village. Such proportion to be constant, no matter what quantity of work has to be carried out. Dissentients to have the ordinary right of appeal to higher authority. The proportion of work to be done by members will be fixed in the same manner, their lands so being valued at the same rates as those fixed for similar property belonging to Sarkar ryots.

Rule 4 — The works falling under the head of tank maintenance will be ordinary earth and turf work of every description connected with the tanks, and their subsidiary works; excepting such as may be specially exempted, and noted in the tank book as to be kept in repair by Government.

Rule 5 — The above repairs shall, as a rule, be carried out simultaneously at periods to be fixed by the village authorities, but when necessary (as in cases of damage done by rain, floods &c) the inspection of the village authorities for immediate repairs must be at once attended to.

Rule-6 — In case of default by any individual

in the execution of this obligations, as above laid down, the village authorities above mentioned are empowered and required to carry out the portion of work that ought to have been done by the defaulter, by paid labour, the cost being recovered from the defaulter as a revenue demand.

Rule 7 — The village Patel will be held personally responsible that the tanks are maintained up to the standard laid down for each in the tank book, and it will be the duty of the Amildar to satisfy himself by personal inspection in each case, that this has been done.

Rule 8 — The regular inspection of each tank in his taluka shall be made annually, between the months of December and March by the Amildar himself, as far as possible otherwise by the Peshkar, Chiefdar or Taluka Mocadi especially deputed for such duty by the Amildar, and the results of this inspection are to be entered in a Register, as per annexed Form A.

Rule — 9 — Whenever a tank on such inspection is found not to be up to standard, a second inspection is to be made of the tank prior to the end of April, by which time the repairs must be completed, failing which, the unexpended

Should any portion of such work form no part of the duty of the ryots, the usual Notification of sanction for the same will be submitted by the Amildar through the usual channel. Work considered requisite after inspection by an Officer of the P.W. Deptt. of the subordinate grade, will be reported by him without delay to his departmental superior, and in cases of urgency to the Amildar also.

repairs will be carried out by the Sanitary and the cost recovered from the defaulters as a revenue demand.

Rule 10 - A duplicate copy of the Register will be forwarded by the Sanitary to the Dist. Revenue Officer prior to the 1st June by which date all tank works should be completed.

Rule 11 - Asst. Commrs in charge of sub Divisions or Circles employed in tank are expected, during the period of January and on the convenient occasions, personally to inspect as many tanks as possible, and test the accuracy of tank returns - entering date of inspection and their remarks in the form attached to the tank book for that purpose. The result of their inspection will be communicated to the Dy. Commr at once on completion.

Rule 12 - Similar duties will be performed by the Dy. Commissioner, who will be held responsible that the above mentioned rules are duly and intelligently carried out, and not allowed to become a mere form.

Rule 13 - Works ordered to be carried out to any tank by an Officer of the P.W. Department of the Engineer Grade will be done at once on that Officer's responsibility

Should

ircular No. 13.

MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE,
Bangalore, 27th August 1878.

MEMORANDUM.

To

All Commissioners and Deputy Commissioners, and to Executive and Assistant Engineers in the Public Works Department.

In continuation of the orders issued in Para V of this Office Circular No. 12, dated 15th August 1878, the Chief Commissioner's attention having been drawn to the fact that the principle of making the ryots keep their tanks in order is not yet insisted upon in several Districts, and reports having been received to the effect that even those tanks that have been put in order by the Public Works Department at a very heavy outlay are being allowed to deteriorate rapidly, it is considered necessary to point out that the proper maintenance of all tanks by the ryots is a most important part of the duty of all Taluk and District Revenue Officers, and that pending the issue of detailed rules and orders on the matter, they should insist on the enforcement of this principle to the best of their ability. Every effort should be made to put tanks in a condition to withstand with safety, the floods that may be expected later in the year.

II. Officers and Subordinates of the Public Works Department should lose no opportunity of inspecting such tanks as come in their way, whether they have been restored or repaired by the Department or otherwise, reporting all matters requiring attention direct to Deputy Commissioners ; and if the neglect appears to be of a very serious character, also to the Superintending Engineer's Office.

W. R. JOHNSON *Lieut-Col.*,
Temporary Chief Engineer of Mysore.

Circular No. 12.

MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE,
Bangalore, 15*th August* 1878.

MEMORANDUM.

To

All Commissioners and Deputy Commissioners, and to Executive Engineers and Assistants in the Public Works Department.

As owing to the financial condition of the Province it has become necessary to curtail expenditure on Public Works, and as moreover it will probably be necessary with this end in view to hand over to the ryots for repair and maintenance, the whole of the smaller tanks in the Province, the Chief Commissioner is pleased to direct, that, for the present, and until some decision has been arrived at as to the principles on which tanks are to be dealt with in future, no public money whatever, whether from Provincial or Local Funds, shall be expended on the restoration, repair, or maintenance of any tanks the average revenue derived from which for the last five years is less than Rs. 100, without special sanction of the Local Administration being first obtained.

II. Under this order no notifications of sanction for tanks yielding a revenue less than Rs. 100 will be accepted, all proposals to expend money thereon being submitted with a special report for orders.

III. In case of ryots promising to raise the revenue of the tank to Rs. 100 if it is repaired, the proposals must be accompanied by a stamped agreement or *muchalka* from them to that effect, and Amildars will be held responsible that the terms in these *muchalka* are exacted.

IV. It is to be distinctly understood that this order leaving it to the ryots to repair and maintain such tanks as yield a less revenue than Rs. 100, confers no authority for the restoration of any old breached or abandoned tanks, or the increase in capacity of any existing tanks, without special sanction being first obtained.

V. The Chief Commissioner desires that all Revenue Officers will earnestly exert themselves to induce the ryots to maintain these small tanks in as complete a state of safety and efficiency as possible.

C. S. MONCRIEFF, *Major*, R. E.,
Offg. Secy. to Chief Commissioner,
D. P. W.

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 22nd June 1894.

READ :—

Letter No. 153, dated 10th August 1893, from the Deputy Commissioner, Bangalore District, pointing out the necessity for early repairs to Nelligunte tank, Registered No. 82, the revenue of which is less than Rs. 300, with a view to ensure the safety of Kolatur tank situated below it, and stating that the raiyats whose duty it is to undertake the said repairs, plead their inability to do so.

No. 22873-81—R. F. 286-92, DATED, BANGALORE, 22ND JUNE 1894.

ORDER THEREON.—The general rule is that when the raiyats concerned refuse to do earth-work to a minor tank requiring to be repaired, its repair by Government at its own exclusive cost can be undertaken only in the indefinite future.

2. Whenever the raiyats are willing to do the earth-work, the Government will *at once* do any masonry and stone work required.

3. In the case of minor tanks, the raiyats' duty in regard to *annual* maintenance should be duly enforced, so that a tank needing repair should not become worse and worse year after year, from want of the ordinary annual repairs.

4. Where such annual maintenance is regarded as insufficient for the safety of tanks below, or of a railway line, the Deputy Commissioner should bring the matter to the notice of the Executive Engineer, forwarding at the same time, a copy of his opinion to the Secretary to the Government, Public Works Department. Thereupon the Department of Public Works will make careful enquiry, and decide if the repair should be at once taken in hand as an exception to the ordinary rule (see para 1 above), for the safety of other Government tanks or a railway line, and needful action will follow such decision.

5. In the case of the Nelligunté tank, the subject of the present reference the Deputy Commissioner will follow the rule laid down in the last preceding para

T. ANANDA ROW,
Chief Secretary.

To—The Secretary to the Government of Mysore, Public Works Department, with spare copies for distribution to Executive Engineers.
The Deputy Commissioners of Districts, with spare copies for distribution.

Exd.—K.S.

(11)

their objection in this case
do not know. Believe there
+ it follows that all the other
rights imposed by the Tanks along
railway will also "strike".
It is possible that when the
was entered in 77-78 the
were not completed up to 6 ft. above
all along. There is therefore room
this concession, — the above suggestion
to charge only for the earthwork
along up to 4½ ft. above Wire + G
The Sub. Warden's Estimate, herein
are not on the file, but I should
that they must be entirely unreliable
judge, from his calculation that
Rs. 284/. is sufficient for Earthwork
turfing. —

C. Hoover
Civil

Office

Where are these
Tools & Plant &c.
They should be
called for & Credited
as soon as they
are received. A

If they are not there write for them soon. 27-3-96

A.P.
27/3 Docket issued
27/3

Submitted to the 2nd
with reference to his order
2nd distant. A.
27-3-
27/3/96 Docket issued 1/c

Send an extra
Overseer Ch. Hoo
says road
Would you d
Bow St. Cove
here what
Hoo. His est
best wear an
Surveyor
Chief C

(12)

Fair note

Petition No 3004 of 1895-96

Petitioners — Subba Row and
Others of Madivala
Thumbhalli and Gud
halli, Malur Taluk

The petitioners pray for being exempted from contributing to the cost of earth work required to bring the tanks of Madivala and Thumbhalli which are above the Madras Railway line, to standard. The repair of these tanks was ordered by the Govt in the P.W. Dept in June 1894 (Vide letter dy 16-6-94 to the Dy Commr Kolar District) under the Minor Tanks Restoration Scheme.

2 The contributions on account of the earth work in the case of Madivala tank was fixed at ½ the cost of earth work as the standard of safety

1894.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 22nd June 1894.

No. 22873-81, R. F. 286-92.

Laying down instructions for the maintenance and repair of minor tanks; and directing the Deputy Commissioner to follow them in the case of the Nelligunté tank, Registered No. 82, in the Devanhalli Taluk.

M. G. C. P., Bangalore.—4-7-94.—120.

(14) 13

given, no coercion of any kind can be used. It is foreign to discuss the effect of a policy till it is changed by Government. and the Deputy Commr ought not to give occasion to the ryots to complain in such matters if the work cannot be got to be done out of their own free will by persuasion and tact. Send to the Dy Commr and refer to the standing order on the point.

3 This order was submitted to the 2d Councillor for approval on 19-4-96 and was returned on 27-6-98 for submission to Mr Madhava Row.

4. Again this, was transferred for submission to 1st Councillor on 2-9-98. The 1st Councillor has directed all the 3 files to be submitted to Dewan for favor of early orders.

Thy 9/9/98

Office note

Petition No 3004 of 1895-96

Petitioners — Subbarayan and others of Madirala Thumbchalli and Gudalu valli, Malur Taluk

The petitioners pray for being exempted from contributing to the cost of certain works required to bring the lands of Madirala and Thumbchalli which are above the Madras Railway line, to a standard. The repair of these lands was ordered by the Govt in the Proceedings in June 1894 (Vide letter dy 16-6-94 to Tahsildar (commd Kolar District) under the Minor Lands Restoration Scheme.

2 The contributions on account of the earth work in the case of Madirala lands was fixed at ½ the cost of earth work, as the standard of safety

for a land above Railway line was much higher than that required for a mere irrigation work. In the case of the Mandalla tank, the contribution demanded from the ryots is Rs 641 and in the case of the Mannarkalli tank which it is contemplated to bring to the ordinary standard — the contribution is Rs 474. A report was called for from the Chief Engineer who in giving the necessary information stated that any exemption in that case would be a bad precedent. On this the 2d Councillor passed the following draft order:—

"For the restoration of a major tank the payment of contribution is entirely optional and unless a contribution is voluntarily

14

Precis

of correspondence ending with Polar Dy. Comr's letter no. 3333 dated 29.6.96, in regard to earth work to be done in repairs to Viramamalai Tank

Regarding the restoration of certain minor tanks in the Polar Dist. there was some correspondence between Dy Comr of P.W.D., and the Executive Engineer of the Polar Div, in his No 333, dated 6.11.'93, requesting the Dy Comr to start earth work on some of the tanks by rights, under the Tank maintenance Scheme.

In forwarding the above communication to the Chief Engineer, vide his Rc 2883 of 1891. dt. 20.11.93, the Polar Dy Comr stated that as the restoration of the minor tanks referred to were to be carried out merely

for the safety of the Madras Railway Line, the cost of the earth work to these tanks should be borne by the Govt.

The Chief Engineer, in his report of the above, No 1592 of 15/12/94, pointed out that the minor tanks' restoration scheme was in operation all over the Province irrespective of the Railway lines below them, and that the report should carry out the earth work required to bring such minor tanks to the standard laid down for them; any extra-earth-work, which may be considered necessary for the safety of the Railway being paid for by Govt.

2

16

The Chief Engineer further observed that, as the Dy Comr returned in his letter No 3/3 of 3.11.43, that the rest have executed sufficient as agreed to carry out the earth work required to keep minor tanks above the railway, he (the Chief Engr) did not understand why the Dy Comr now proposed to relieve them of such work.

In his No 3/1252/626 the Dy Comr informed the Chief Engineer that he did not entertain any hope of the rest carrying out any extra earth work which might be provided for in the estimates by the Chief as keeping

necessary for the safety of the Railway line, as the earth work shown in the Revenue Dept estimates was thought adequate to render the banks efficient for irrigation purposes & for the protection of Govt Revenue derivable therefrom. The Engineer, therefore, suggested that the entire cost of the restoration of all banks required to be brought up to standard, on account of the safety of the Railway line, may be charged to Govt as a special case, except in the case of those banks to which the mgts have agreed to execute part of such work

sufficient to render the
tanks efficient for
irrigation purposes.

In reply the Chief
Engineer, in his le
C.24 of 17.12.94, informed
the Govt that Govt
will pay for the additional
earth work to be done
to these tanks on
account of the railway
the height of the bund
usually fixed for
such minor tanks being
12 ft. 5 ft. 6 ins. & 6 ft. 6 ins
ins, which must
be adhered to. He
further stated that
there was no objection
to the Govt. proposal,
provided he were
arranged for the
recovery of the cost of
earth work to be
done by the Govt.

On the 14th Feb 95 the
Chief Engineer, in his

No 5 of, requested the Dy
Comr to have the
Accountants Clerk, to
bring the Pharmaceutical
Cash Book for the
Corresponding Quarter,
brought to Standard as
regards Certificates
they were detailed
above the Railway line.
In reply the Dy Comr
informed the Chief Engr,
in his Ltr of 5th Inst No 3/7/75
that the report headed
Their inability to create
the Certificates to the
extent required in the
Ordinance or to pay money
of the cost, Rs 68½. The
Dy Comr considered that
if Certificates, valued at
Rs 2 84-8-0, as estimated
by the Pharmaceutical
Chemists, was exempted
it would be sufficient to
bring the Cash to the
Ordinary Standard
of Safety

(93)

× No 65 & 2nd Oct 1873
copy is in this file

the Chief Court's notification × notices should be issued to the ryots informing them that earth-work of the value of Rs 118½ allotted to them should be done within 8 days, & that if they failed to do so the work should be done departmentally within a month, defraying the cost out of the Cultivators Improvement Fund.

708 10th May 95

The Assistant reports × that, notwithstanding notices issued, the ryots objected to carry out the work, and that he had commenced the work, & executed, as per measurement list submitted, Rs 269-12-

913 July 95

The Dy Comr directed × that the amount aforementioned, spent out of the Cultivators Improvement Fund, should be collected from the ryots as per

927 & 15th July 95

instructions laid down in the Chief Comm's notification quoted above.

It is against this order of the Dy Comr that Nanjundiah & others, the holders of land below the said tank, appealed to Govt, in Petition No 845 of 9/1/96, on the following grounds:-

(1) The tanks referred to is in good order.

(2) The Dy Comr has not correctly applied the 4th para of the notification quoted by him

(3) The above notification does not apply to tanks newly built & brought up to standard, nor are the ryots, by it required to execute additional repairs to the tanks for the

20

The Dy Comr, in his order No 530 dated 25th Feb 1915 to the Amildar of Sowrirajut, stated that in the matter of Rs 3.3.0, the estimated cost of repairing the Nerumakalli Tank, No 64, Rs 1237 were included for earth work, half of which should be apportioned to the ryots, and, in case they failed to do the work, Rs 3.3.1½ should be collected from them & credited with the Govt.

The Amildar reported that he had personally inspected the village & informed the ryots of the order issued by the Dy Comr, but that they declined to do the earth work or to pay contribution. It was

x No 50, dt 12/3/15

suggested that the
work should be under-
taken by Govt & the cost
recovered from the ryots.

The Dy Comr asked
for further information
as to (1) the amount of
Cess Revenue received
from the ryots of the
village annually, (2)
the income from Kudaturfe
& (3) the total no of
ryots in the village, &
directed the Amildar
to ask the ryots again
whether they were willing
to contribute towards the
cost of the earth work.

The Amildar submitted
a list containing the
particulars called for
above & reported that
the ryots were not
willing to make any
contribution.

The Dy Comr directed
that, in accordance with

Society of the Railway
line above which the
tank is situated

(ii) It is the duty of the
Govt to execute such
additional deeds
as may be
case of the Consignee
Bagdad here.

(5) That the Decree
order is opposed to law
& justice.

(6) According to Govt
Proceedings dated 5.11.1934
Exhibit Division dated 2.10.1935, Consideration
should not be given
for the repair of tanks
which are in Iran
, so says/

(7) The appellants derive
no advantage from
the present repairs
since the capacity of

+ Not in the file
Marked copy is filed
below in the file.
Pl. No 1295-97
R.1357
2-2-94. Rajan (2)
The Respondent Union
is appealed Petitioner
Advocate present
6/3/94

of the Court remains the same, since there has been no diminution in the assessment of their Court to enable them to bear this additional cost.

Petitioners submit that the amount of the contribution amount, by the assessment & rate of this Court, may be stayed until their appeal was disposed of.

The appeal petition having been submitted to the 2nd Councillor, he remarked, on 16th January 60, that the order of this Court was somewhat inconsistent & wanted to know why, if the

2b

lands had been brought up to standard, the right were required to carry out only half the entire work. He wanted information as to the extent of the lands, the time when the lands were brought to standard, details regarding the title, right from the first. He also requested the Board to give a copy of the new estimate showing how the total expenditure figure were arrived for. Counsel asked leave to the State reading the notice of appeal.

An official memorandum was furnished to the Board by Counsel giving the above information.

In reply the Acting Dy
Comr, in this office
8 96
dated 12th June 96,
reported that the
Nerramerelli tank,
No 665, of brewing Act, being
was retained by the
Pastoral Lessee. The
exact date of the
resumption however
was not known. It
might have been
about 1877-78 before
the erection of District
Surveyor's establish-
ment. The tank had
an area of 53 sqs.
by yards measured
at 2 ft inclusive
of bank, namely,
9 yards by 6 yards
averaged at 2 ft.
There was neither
old drawings nor
any other documents
in the office to

(31)

Similar Tanks in that part of the dist, was forcibly brought to notice by the damage caused to the Railway in the year 1916; that the bund of such a tank should be 6 ft above weir 40 ft wide. He could not agree with the Dy Comr in thinking that one fourth the quantity of the earth work estimated by the Ex Engr was enough to bring the tanks up to ordinary standard of safety & that the Sub Overseer's estimate was unreliable. He was at a loss to know what special reason existed for relieving the ryots, in this case of so very large a portion of their obligation if relief was granted in this case Col

21

Bowen apprehended that all the other ryots responsible for the tanks above the Railway will also "strike". He added:-

"It is possible that when the tank was restored in 77-78 the bund was not brought to 6 ft above weir all along. There is, therefore, room for this concession, on the above supposition to charge only for the earth work all along up to 6½ ft above weir & 6 ft wide".

An extract of what Col Bowen said, regarding the quantity of work to be done, was forwarded to the Dy Comr with a remark, that his estimate bore no comparison with

98

that what circumstances should necessitated, when it was first erected. After discussing the relative conditions of the tank, the City might require, they came fixed the full cost of carrying out, according to the Engineer's estimate, amounted to Rs. 1237, of which half, i.e. Rs. 619, was the right share.

On a demand by the Civil Court the Municipal Council remitted that sum with the sanction of the Collector, according to the City Council, it was legal to expect the half of

it. The Court was of there
very much of opinion that
there was no evidence that
it was brought up to
standard at any
time before trial &
declined for that reason
to hear, therefore no
legal question for
adopting certain
measures for compelling
the repair to be put
-work. But before
passing final order
he wanted Col Rowan
to go into the box &
give his opinion on
the matter.

Col Rowan sworn
-ed (by Mr Smith) that
the right had failed
to maintain the banks
and the necessity for
compelling them to
bring it up to stand
-ard, were in any the

(35) 34

are liable to do the earth work or to pay contribution! If so to what extent!

PHS
9/7/96

The question now remains admits of easy solution. Altho the exact date of the repairs is not known and the details of such repairs cannot be ascertained the Dr. Court reports

32

what the Chief Engr said was necessary for the safety of the Railway line.

The Dy Comr, with his letter No 5 dated 13/6/41 29th June 40, submitted the plans & estimates received from the Ex Engr, & the Pub. Works's estimate, & stated that the Ex Engr had not included in the cost of raising the bund of Sivaganga tank to R. L. 54.50 was Rs 2.10 & not Rs 1.9 as originally estimated. This is over & above the Pub Works estimate by Rs 76. It will thus be seen that the Revenue deptt had not under estimated

the certain works required to be done.

The points which have to be settled before passing final orders seem to be these:—

(1) Whether all the lands had been brought up to the standard & formally ceded to the right?

(2) Do the orders published in the Chief Comm's notification 1865, dated 2nd Sept 1873, apply to the case in question?

(3) Is the Govt justified in requiring the right to execute the repairs of the lands, on the score that such repairs tend to the safety of the Railway line?

(4) Whether the right to

35

These files have
now to be dealt
with by Mr Madhava
Rao - & much
therefore remitted
to him

27.6.98

ll 28/1619v

Subl & Rev Committee C&T

There are three cases requiring
orders

(1) Letter No 82 & 21/7/94
from the Secretary
to Govt (This is & No 17 in RF 28
of 1892-93)

(2) Petn No 3004 & 19/2/96
from Subba Rao & others
of Madvala & other villages
in Malur taluk

(3) Petn No 2340 & 9/1/96
from Ranganna & other
ryots of Sernahalli, Bowringpet
pet taluk (This is & No 3 in
PF No 89 of 1897-98)

In all these cases, except (1)-(3)
there are

draft- orders which have
not been apparently approved
by the 2nd Councillor

In the draft- order in Case
no 2, the Mr B Ramaiyar[illegible]
has raised a doubt- as to.
the standing orders to be
"
printed

In all these cases the question
raised is: Who is to bear the cost
of repairing a tank which
has not been brought into
to Standard & handed over
to the ryots formally for upkeep,
when the safety of a railway
line demands its repair?

× In Case (3) tank is said to have been repaired in or about 1877-78 but there is no evidence about this

Petn no 3000 of 16/6/98 on the
subject of repairing a diff. tank put for
same subject
is due to-day

30/6/98

Read
30/6/98

9662
×

I think the Govt
Division as there is
no imperative necessity
to dispose this petn
at Bangalore since I
am about to submit the ch
of Taluk for Commr
Mysore & Coorg

Rec'd 5/9/98

7/9/98

General Records

(21)

Please put the Notification quoted

Ans

The Notification required
printed in the Mysore
Gazette. ~~was~~ No spare copy
available.

Sd
11/1/96

Sd
11/1/96

put up

recovery proceedings
~~any of attached~~ land -
appeal prayed for:

Offr: says they receive
reply to their repre-
sentation by Cr.
submitted for orders.

11/1/96

ordered that the Dy
Commr is requested
to consistent. After
all has been kept
to standard when gen
Engrs required
to carry out only hasty
earthwork repd
present. Collr
may consequent
upon all the
lands. He also keep
of the tanks under
Tds. When work is

1895-96

(9)

No. 2340 1-37

Name of Petitioner, Nanjundaiya & others
holders of land below the tank

Village, R. No 645, Nernahalli

Taluk, Bowringpet

District, Kolar

Date of Arzi, 9-1-96

Date of Receipt, 9-1-96

Date of Disposal,

No. of Enclosure, 9

ABSTRACT.

Appealing against the orde
of the Dy Commr, Kolar District
which stands as follows:—

"It is known that tank R.
645 of Nernahalli has come
a proper standard. The refe
mentioned in the list sent by
should be gone through. You
have taken no notice of the
matter upto date. The
quantity of earthwork of the
value of Rs 618½ which shou
be done to this tank has be
specified in the list sent
to ... which shows wh

that quantity of work each ryot has to turn out. Notices
should be issued to them giving them 8 days' time and
to the village Chavadi. Soon after the expiry of the period
Repairs should be executed by Govt agency the amou
met from the Marahamat Imprest Fund as per Chief Comm
notification No 65 of 3-10-73, and a report made on t
matter - The amount should be collected from the ryots a
~~under~~ instructions laid down in the above Notifn. There
be no delay since the early monsoon is approaching."

The Petr states as follows:- The above ~~and~~ mentioned
R. No 645, is situated above the railway line. The Dy Co
has given orders to the Amildar that half of the co
earthwork to the tank viz work amounting Rs 618½ sho
be executed by the Petrs that in case they refuse to
the work ~~and~~ or pay up the money the repairs shou
executed by Govt agency as per Notifn No 65 of 3-10-73
the amount recovered from the holders ~~by the~~ as arre
Land Revenue as laid down in the above said Notifn
The Amildar has served notices upon us to the
that the money would be recovered by the attach
and sale of our properties, and is about to ta
such action.

The grounds for appeal are as follow:-

(1) The tank under reference is in good order
(2) The Dy Commr has not, as he ought to have, appl
4th para of the Notifn quoted by him.
(3) The above Notifn neither applies to newly built
tanks, nor does it say, that the ryots should
the additional repairs to the tank for the safety
railway line.
(4) Govt should execute such addl repairs to
in the same way as the repairs of Bowringpete D
were done - no order is obtained to law & jus

37

Sch[d] to Secretary

Office-notes have been brought up to date in 2 cases & a fresh note prepared in the case where none existed

HJ 9/9/98

Solicitor Treasury to Crown please as desired by the Master

14-9-98

Forwarded to A[ttorney] Gen[eral]

HJ 14/9/98

14317

Order drawn as directed on filing of the writ. Plaintiff to pay costs of application

[illegible]

The original case to be filed in the Registry of the Court of Appeal

12-9-98

Pub[lic] Prosecutor

HJ [illegible]

x 4.3.1896

Registrar

Chancery Div[isio]n

12/9/98

Note

Please

28

subd to the 1st Comptr
to write a tabular statement
of the case, requiring
orders. Under the orders
of the 11th Oct 1900 in 3335-43
Pet 452
the Petrs do not appear
to be entitled to any
compensation inasmuch
as the lands were required
for the efficiency of the Railway
line.

Chas.

20.11.01.

Send them — with
draft order for disposal
in accordance with
the order of 30 Oct 35 Pet 452
of the 7th Oct 43 1901
Encl 25 Mch
Petrs advs 8.1.01

2 Draft Encls returned 25.1.01

2 drafts 96 Chapter 21.1.01

~~(5) Issue of writ of injunction~~ ~~Rs 25 as claimed~~

(6) That contribution should be levied for the repair of such tanks which have cost less than Rs 20,000, as indicated by Govt Rc No. 2 dtd 2-10-[illegible]

7- The present repairs of the tank do not give any additional convenience to the ryots by increasing the capacity of the tank, and therefore not less any diminution of assessment to our lands to make us bear this additional cost.

And that they petition to the Dy Commr praying for the non-enforcement of the above order were not replied to.

Pray that the recovery of the above amount by the attachment and sale of their property may be delayed until disposal of their appeal-

Petitioners

3

Please let me understand
what are the details
regarding the 60' width
height from Kudrat level
or over stone revetment
& the slope - towards
then provided for
in the new estimate
which is addressed
the earth work remains
to provide for the slope
also. a copy of the
present estimate
must also be
exercise which
must be kept handy
for further orders

16.1.96

Received
16-1-96

Attested
Sd/-
16/1

NURSOFT NEWS OFFICE
PETITION DEPARTMENT
REG'D NO. 23 ...
DATE 9-1-96

9-1-96

Pet 1272 Mr: No. 20-05-96

16-1-96.

16-1-96

(18)

Official Memo.

Lr 146-95-2

The accompanying petition registered No 2 dated 9th January 1896 from Ranjindaiya and other Rayats holding lands below the tank registered no. 645, at Kalkadda Hernahalli Bowringpet Taluk, complaining of the Dy. Commrs order requiring them to execute half the earthwork of the said tank is forwarded × to the Dy. Comm. Kolar District for a very early report with all the records bearing on the case.

× with its 9 enclosures.

2. The Dy. Commrs order of the Dy. Comm. is somewhat inconsistent. If the tank has been brought up to standard it is not clear why the Rayats are required to

Carry

Accounts

carry out only half the earth work required at present. The report should also contain information as to when the tank was brought up to standard, and 2, what the catchcat is and 3, the details regarding the top width, height from Kodi level or over stone revetment & the slope, and 4, how, items of work are provided for in the new estimate which, in addition to the earth work, seems to provide for other repairs also.

Draft for approval

2. A copy of the present estimate must also be sent up and coercive action for against the petns coercive action must be stayed pending further orders.

4. The petition with its enclosures must be returned.

By order

Draft
C2
16/1

16/1/18
Rev: Secretary

1

2

3

4

6 (2000 — —) 4 ...

9 ...

7 ...

8 ...

...

2/2

Untraced -
Does items of 30 Petitions
find a mention

2/2 Mrs Jacob against
Executive - She returns
of account dues is
a Confidential
Memo the case is
referred thereon.
Dated 5-2-96

2/3/96

Mr Superintendent
of the Engineer
Assistant Works
and a copy of this order
for giving 2 Inspectors
the Petn Under
Enclosure

3/3/96

3-3-96

Rs 4/3 S.P.M.
Draft 65
5/3/96

9 4 8

189 5-96

No. 304 - dt 16-95-3

Name of Petitioner, Shiba Rau, Baba Rau and others of

Village, Nadimia, Kandikallu other Villages

Taluk, Arakur

District, Kolar

Date of Arzi, 15-2-96

Date of Receipt, 22-2-96

Date of Disposal,

No. of Enclosure, Nil

ABSTRACT.

Complain that Government have enforced them to much disadvantage and loss by ruling that ryots owning lands below minor tanks should either execute the earthworks of such tanks or pay the proportionate cost thereof; that accordingly the Chief Engineer has issued orders to collect ~~the sums~~ from Rs 600 to Rs 750 from the Petrs, being the proportionate cost of earthwork to their respective tanks; that the Taluk officials have accordingly been demanding the Petrs to pay up the accounts

amounts and are actually ~~[illegible]~~ to recover them by the attachment and sale of their properties; that Petrs lands are assessed at higher rates ~~[illegible]~~ than those situated behind the Embankment, Hotale, Bethmangala Lands; that the repairs of ~~[illegible]~~ the latter lands are wholly executed by Govt: that the assessments of these lands as well as of those situated behind the aforesd, Anjikam & other lands, which ~~[illegible]~~ were drawn before the last Settlement, were reduced during the last Settlement, but that their own lands were heavily assessed at the same time, disregarding the fact that they were exempted from ~~[illegible]~~ a scanty supply of water; that in spite of such supply of water they are demanded the payment of their assessment regularly; that besides this they execute the Embankments at their own cost, and that ~~[illegible]~~ the new demand upon their money is so hard that they cannot bear. Pray that their lands may be repaired by Govt and that they may not be demanded to pay the aforesaid amount.

Bllu.

26/2-

MYSORE P. W. DEPARTMENT

CENTRAL OFFICE,

No. 1357 Bangalore, 27th March 1896.

From Colonel C. Bayly
The Chief Engineer of Mysore,
Bangalore.

L.A. 14695-4

To

The Secretary to the Government of Mysore
Finance & Revenue Departments

SIR,

In returning the enclosed petition, sent to me with your No. dated 21st inst. for report, - I have the honor to inform you that the Basavanda and Kandikatte lands in Kadur Taluk therein referred to are waste lands, the reclamation of which has been taken in hand by the Public for the supply of the Railway Fuel Depôt in accordance with the orders of Government conveyed to the Revenue Commissioner in his D.O. letter, in this office No. 2,911/558 of 6th June 95 (copy enclosed).

2. The contribution fixed for the land-named lands is Rs 5/- per acre, to help the cost of Establishment & Land, - the balance of cost being for additional work found necessary, on account of the situation

of

of the Saint Louis will be
have by Government Municipal
Law, the Contribution to have been fixed
at 2 mill's being 2 mill's higher than
to existing standard fixed for land
of this class. ——

II. No project has been sanctioned
by this office for the Municipal Court
House which the Lyceum in their
petition they have been required to
contribute to ——

IV. It would be a very example if
the responsible Lyceum are let go in
this case, as there is no doubt
that the Lyceum connected with the
large Number of other Main Saint
Louis Railway Line in Cities District,
as well as those the Inner Jungle Line
in other districts, who have contributed
in the same way, will also claim for
exemption in the future. It is
also case to appeal the meeting of the
Main Saint Louis in the Neighbouring
Districts. ——

I. With reference to [illegible] of the
petition, I would state that in Main
Saint

REVENUE DEPARTMENT
Gl. No. 7357
31 MAR. 1896
MYSORE JEFFERY DEPARTMENT

OFFICE OF THE
30 MAR. 1896
CHIEF ENGINEER OF MYSORE

No. 1357

From

The Chief Engineer
of Mysore.

To

The Secretary to Government
Public Works Department

Dated Bangalore 29 — 3 — 1896.

Despatched

Enclosure No. copy of letter and one petition

SUBJECT.

Submitting a report on the Canarese petition relative to Madivala & Thavarekere Tanks in Uttarahalli Taluk, as requested by the Govt. Secretary in his No. 1645 of the 5th inst.

Rec'd 30/3/96

Submitted with reference to the 2nd Councillor's order on letter 350 dt 5-4-96

AS 2/4/96

AS 6/4

Rec'd 8/4

For the restoration of a memorial the payment of contribution is entirely optional & unless a mortgage is voluntarily given no coercion of any kind can be used. It is open to dissolve the effect of a policy till it is changed by Govt & the Dy Com. might report matter to Govt & explain in such matters if Govt. characteristics to declare before the work cannot be got done and then only by herbaceous start. Before this - Send to the Dy Com & report the pending order on the petition

8/4/96

8/4/96

Mysore Govt. C. P. Bangalore.—10-9-92—1,000.

Land. Reg
at Caversham
- duedin of
in 1865.
earthenware

I have been, since
mid-Sept, under the advice
of Drury Land Scheme
& Rapes carried out
during June to August

I have the honor &c,

L. J.

Jour most obed't Servt

C. Unwin.

Salone 6,
Otago Exhibition Dunedin.

Rec'd.
1870

Genl 31.

Copy see 2 with letter
of 9-96
Que 135/97. 9-96 Despatch
from the Chief Engineer
Madras No. 34.

From

The Secretary to Govt
Pub. Department

To

The Deputy Commissioner
Trichinopoly

Dated Camp Jaire the June 1896

Despatched

Received

General No. 2772
No. 588

Enclosure No.

Sir,

In continuation of this office letter No. 232 / dated 2nd March 96, I have the honor to enquire now that the Government sanction of the estimate for the early repair of the Lands above the 4th mile, and have that they will all be thoroughly restored at an early date, and thereafter maintained efficiently.

2. The Government further direct that when the Revenue Department suggests the repairs to be done there of sanctioned in minor tanks, the Executive, and when no such work is done by them, the

the whole should be carried out by the "A" Dept, and the cost of the work charged accordingly to you for recovery in due course, as it is their desire that every land, Train or Major, taken up for construction should be completed in a thorough manner by the Contractor, as quickly as possible. The Lake is the most dangerous Condition, and should be the first the Contractor will and your attention and that of the Executive Engineer, is specially called to them.

2nd. A map showing the Canada, Land Grant and Town, taken up for Construction of the Railway with a statement showing when each work will begin and be completed, also Col. Thompson to Government, to Canadas and to Egypt, has been called for by the Bureau, and it is required that you will be so good as to prepare the same in Consultation with the Executive Engineer and submit them at an early date.

I have &c

Lt. A. McNeil Campbell
Col. R.E.
Secretary to Govt for Railways

"Time Copy"

Lt. McNeil Campbell
Asst Secy to Govt for Railways

Bombay
24/3/80

MMC

Ref 1645 in one

20-03-95

Re-Draft

17-3-96

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

dl. 1646-95-6

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

Registered No. 3004 dated 12-2-96

received at the Dewan's Office from

Sibba Rao, Babu Rao and others of Madirala, Thanikallu and other villages in the Malur Taluk complaining of the said to have been passed by the Chief Engineer, order of ~~recover~~ from them the proportion of cost of the earthwork ~~executed~~ created to their lands and fair ~~the reformed~~ charges at present ~~levied~~ is forwarded, together with its enclosure, to the ~~Deputy Commissioner~~ Chief Engineer in Mysore ~~District~~ for favour of a for a full report ~~of the facts of the case~~ and on the ~~points urged in~~ the petition. And for transmission of a copy of the order referred to in para 2 of the petition.

2. The petition with its enclosure should be returned.

3. The Chief Engineer is also requested to be so good as to send to this office a copy of the order complained of, if any.

By order,

C. R. Reddy 6/3

for Chief Secretary.

BANGALORE,

6 — 3 — 1896.

6.3.96

M.G.C.P.B.—25-4-95—1,000

X for the reasons stated, for exemption from payment of the amount

5 1272

[Ge. 31.]

REVENUE DEPT.
1896 No. 5298.
16 MAR. 96
DEWAN'S OFFICE

From The Deputy Commissioner
Kolar district

To
General & Revenue
The Secretary to the
Government ~~Dewan~~ of Mysore.

A. 1. 146-95-7

Dated 12th March 1896

Despatched, 14th "

Received

General No. 3420
No. 896

Enclosure No. ~~1~~ two

Rejecting on the recommendation of Ernakatti Tahsildar Rep. No. 545 & covering petition dated

---

Earthwork Reforms
Inspected the tank
marked in the Sketch
reports that it is by
the Power of the Royal
Wodeyars only - His
estimate barely came
up to one third. The
tank is a very small
one & there is no way
whatever that it can
be kept constantly
maintained at any time
by the Ryots paid for
by the Ryots. There is
therefore no legal sanction
for adopting coercive
measures for compelling
the Royal Wodeyars
Earthwork as the
Ryots apparently
doing - but hope
possessing small orders
Shall be glad if
Col Bowen will go
through this file & favour
me with any remarks
he may have to make
in the matter

21/3/96

R. Ayyar
19/3 16/3/96
16/3

Submitted with reference to the
Government order cited
1873 dated 25th.
19/3 19/3

19-3-96.

A.I.
19/3

Deputy Commissioners office
Kolar district
Dated 12th March 1896.

To

The Secretary to the Government
of Mysore. Revenue and General
department

Sir;

Adverting to your memorandum
No 1272 dated 16th January 96, I have the
honor to report that the Nerenahalli
Tank Registered No 645 of Bowringpet
Taluk, was restored by the Revenue
department. The exact date of its re-
-storation is not known. Perhaps it
might have been before the abolition of
district Marahamat Establishment
i.e. about 1877-78. The tank has an
atchakat of 53 acres and 9 guntas
assessed at Rs 320 inclusive of Inam
lands, viz 9 acres and 28 guntas ass-
-essed at Rs 57-4-0.

II There are neither old drawings
nor

(63) was pending before Government

VI The ten enclosures received with the Memorandum under reference together with the Kanarese file as per paricst attached thereto are herewith Submitted. In Conclusion I beg that early orders may be passed either to recover the cost of earth work from the Ryots or to pay it out of Marakarnat funds, as the Contractor who executed the work is pressing for payment.

I have the honor to be
Sir;
Your Most-obedient-Servant

Deputy Commissioner,
Kadapa District

20 57

II nor any other documents in this office to show what Constructive details were adopted, when it was first restored. The present Condition of the tank as reported by the Assistant of Bowringpet Taluk, after 2158 cyds of earth work has been executed to the tank by the Rayat (the Cost remains yet unrecovered), regarding the top width and height of bund &c is as noted below.

Top-width of bund near Right waste weir 5ft
do —— in the middle —— —— 9ft
do —— in the end —— 5ft
do —— in some other places — 6ft
Height of stone revetment from waste weir $2\frac{3}{4}$ft
do —— in the middle —— $3\frac{1}{4}$ft
do of bund from waste weir —— $3\frac{1}{4}$ft
do —— do —— in the middle — $4\frac{1}{4}$ft
Slopes (in rear) near waste weir — 1 on 1
do —— in some places —— 1 on 1 to 2 on 1

III Copies of sanctioned Estimate and Survey and Constructive detail Statement received from the Executive Engineer

Engineer, Kolar division are herewith submitted for information regarding the top width and height of bund &c.

IV The enclosed estimate was prepared both for the safety of Railway line below and to bring up the bund to standard. The height of bund now to be brought up is 56.00 & 53.00 i.e. 6 & 3 ft over waste-weir level. The full cost of earth work amounts to Rs 1237, of which only half, i.e Rs 619 is the ryots share of earth work which amount is to be received from them, as they failed to carry out the same, vide Copies of Chief Engineer's letter nos 157 15.1.94 and 924 17.2.94 and correspondence there with Connected.

V The ryots of Yelahanka and Kavarnahalli village have neither paid Cash nor executed their quota of earth work required to be done to their tanks and unanimously awaiting the result of the petition now

(1) 25 (8)

(6)

L.B. 146-95-9

9028 En: 14 Ver: file
1800.

To

The Deputy Commissioner
Kolar

Dated 1-6-96

His letter no 3420/896
dated 12th March 1896
reporting on the petition
from Ramanadiah and
others of Nerinahalli Hobli
Pet Taluk Complaining
of the order requiring them
to execute Earthwork to
the village tank registered
no 645

With reference to the
above has the honour
to forward for such
remarks as the Deputy
Commissioner may wish
to offer an Extract from
the Chief Engineer's note
dated 27th ultimo, from
which it will be seen

(67)

that the Deputy Commissioner's Estimate bears no comparison with what the Chief Engineer says is necessary for the safety of the ~~tender~~ Railway line

2 The Vernacular records are returned for needful reference and resubmission.

By order

Secretary

Redraft
C2

N&H
1/4

Gen. 31.] 1896

From

dl. 146-95-8

To

The Dy. Commr
Kolar Dist.

Dated 27.3.96

Despatched 27

Received

General No. 8798
Ref No. 1775

Enclosure No.

His letter No: 3420/896
dated 12th March 1896.

reporting re petition of Nanjundaya & Others rights holding lands below the Tank Registered No: 645 of Nirnahalli Bowringpet Taluk.

With reference to the above, has the honor to request that he will furnish information & details & section relating

X

for Rupees 284-0 referred to in the 2nd para of his letter No 451/400 dated 23 May 1895 & the article of the Chief Engineer, and the

D ~~Re instruction of the~~ it
~~Court~~ Secretary and Re
file, Regret ~~submitted~~
~~at once~~ forwarded to this
Office as early as practicable

By order

27/3

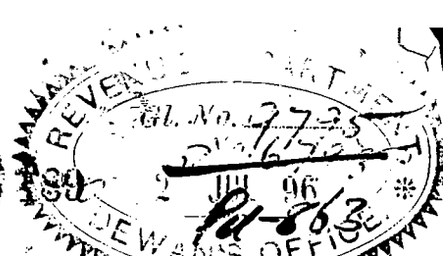
Draft to Secy.

Sun

...

Do file and
write the draft.
Sept 27/3

Gen. 31



From

To

Dated 27th June

Despatched 30th "

Received 1st July 96

General No. 5000

No. 1394

Enclosure No. Quit to Parker

Necessity for
information, plan
and Estimate of
Verandah Lease

Rec 2.7.96

Refd 31

Refd 3/7

Refd 3/7

Please refer to Executive Engineer
Dehra Dun Division

Refd 3/7

Refd 4

Gen. 31 20

1896

(9/a)

(71)

From The Executive Engineer
Kolar division

To The Deputy Commissioner
Kolar District

Dated 15th June 96.

Despatched D. o.

Received 19.6.96-45-H

General No. 197
No.

Enclosure No. 6 plans
2 estimates
8.

His no 4042 dated 21.4.96
2063
requesting to forward drawings and estimate prepared in this office for levying the levee to R L. 54.5 of Nercanahalli Tank in Bowringpet Taluk.

In forwarding the plans and estimate for reference, has the honor to inform that the amount

(78)

amount of Contributions payable by Kopbo
and not Rs 619/. as noted in this office
6.12.95 for bringing the land to R

II. Enclosures may kindly be returned
no longer required.

(Signed) V. Arunachalla
Offg Executive Eng
Kolar

"Copy"

Narayanaswamy
Dy Deputy Commissioner
Kolar District

No. Kolar District Engineering
office dated 2nd June 96

To

The Secretary to the Government
of Mysore —
Revenue and General Department.

Sir;

In reply to your docket No 2028/1800
dated 31st April, 96, I have the honor to
submit herewith the plans and estimate
received from the Executive Engineer, Kolar
division for information. The Executive Engi-
neer has intimated now that the cost of
raising the bund of Veeranahalli tank
to R.L. 54.50 to Rs 2,000 and not Rs
6,000 vide his docket No 197 of 18th instant
(Copy of which is herein enclosed). The
Subordinate's estimate called for in No 8498/1775
of 27th March 96 is also herewith submitted
along with the Vernacular record —

II. From this it will be observed that
the estimate prepared by the District
Subordinate errs in showing a larger amount
than what is required to repair the tank
as per recent Communication from the

5

24 [illegible]

the Executive Engineer, Rent and Fees as
pointed out by the Living-Engineer ——.

I have the honour to be
Sir;
Your Most obedient Servant.
[illegible]
To Deputy Commissioner
Kolaba District

Three
~~Two~~ drafts.

1901

189 5 2

From

The Secretary to the Govt. of Mysore,
General and Revenue Departments.

To

The Deputy Commr
Kolar Dt

L.R. 146 gps 11

Dated 31-1-1901

Despatched 1-2-1901

Received

General No. Pet
No. 962

Enclosure No.

In forwarding herewith petition nos 3 & 4 dated 19.2.1896, received from Subba Rao and others of Madivala and Tambihalli villages in the Malur Taluk, praying to be exempted from the payment of the cost of earth work done to their village tanks repaired for the safety of the Railway line, I have the honor to request that he will be so good as to dispose of the petitioners prayer.

prayer in accordance
with the order of Govt
No. 3035-43 dated 11.10.00.
P.452

By order
Hrs 24/1/01.
for Secretary.

No. Ct 903 dt 31/1/01
1/2
copy of the above is
forwarded to the chief
engineer in Mysore, for
information, with reference
to his letter No. 1359 dated
27.3.1896.

By order

C.
8.1.01

for Secretary.

21/1/01

Recd
24.1.01
Chitaldroog
From camp
28.1.01

Three Drafts sent

1901

~~189~~

From

The Secretary to the Govt. of Mysore,
General and Revenue Departments.

To

The Deputy Commr
Kolar

L.R. 146-95-12

Dated 31st January 1901

Despatched

Received

General No. Pet

No. ~~964~~ 71 89-97

Enclosure No.

Sir returning herewith the Varavanda accounts and the petn (with enclosures) received with this letter from the Amildar dated 29.6.96, relating to the complaint of Nanjundia and others of Veranahalli in the Bowringpet Taluk in the matter of the cost of earth work to the Veranahalli tank, has the honour to request that he will be good enough to dispose of the petrs prayer in accordance with the order of Govt

Government No. 3035-43
Pol-452
dated 11th October 1900.

By order
Ms 24/11/07.

C1
8.1.01

for Secretary

21/1/01

Recd
24.1.01
Chittagong
Dist Supdt
28.1.01

Ref 452

Shaw Lane
28.1.01

(11)

2340

By order

Dated 27-1-97.

Section Officer

28.1.97